

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THOMAS TURNER,

Plaintiff,

v.

W.W. GRAINGER, INC., an Illinois  
corporation; RONALD HANSEN, and his  
marital community; JOHN DOE  
MANAGERS and SUPERVISORS and  
their marital communities,

Defendants.

No. C09-1068 RAJ

DECLARATION OF HELENE SHERLOCK  
IN SUPPORT OF DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT

I, HELENE SHERLOCK, declare and state as follows:

1. I am employed by W.W. Grainger, Inc. ("Grainger") as a Regional Human Resources Manager. I am over the age of 18, competent to testify, and make this declaration based on my personal knowledge and my knowledge of the files and records maintained by Grainger in the normal course of its business.

2. From 2006-2008 (the years identified in Mr. Turner's response to defendants' motion for summary judgment) Bob Oberlander was employed by Grainger as a Senior Corporate Sales Manager in the Government Sales division. In that position, his direct supervisor was John Hanrahan and his Regional Vice President was Sandra Taylor. Neither Ron Hansen nor Chris Garlieb was ever responsible for supervising or disciplining Mr. Oberlander.

1           3.       At the time Grainger investigated and terminated Mr. Turner for his admitted  
2 misconduct, I was not aware of allegations that Sherri Smith or any other Grainger employee had  
3 ever misused the Boeing employee account.  
4

5  
6           4.       During my deposition, I testified very generally about an incident during which  
7 Grainger audited an employee's expense reports. The employee's name was Patrick Diamond.  
8 The details of that incident are as follows: In October 2005, Grainger's finance department  
9 audited Mr. Diamond's expense reports. Based on that audit, it initially appeared that  
10 Mr. Diamond had purchased holiday gifts for his direct reports that were more expensive than  
11 recommended. During my deposition I testified that I believed the gifts were cigars. However,  
12 upon further reflection, I believe the gifts were some sort of food item. It was later determined  
13 that the purchases were in fact appropriate. However, the audit also revealed that Mr. Diamond's  
14 administrative assistant had approved some of her own expenses. That was not proper protocol.  
15 As such, Chris Garlieb (Mr. Diamond's Regional Sales Vice President, at the time) put a  
16 coaching document in Mr. Diamond's file reiterating that it was Mr. Diamond's responsibility to  
17 review and approve all expenses related to team activities. At the time of this incident  
18 Mr. Diamond was 42 years old.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

32           5.       In my role as a Human Resources Manager, I use notebooks to document various  
33 conversations, calls, and thoughts I have throughout the workday. When this litigation began, I  
34 did not recall keeping any notes about phone calls concerning Mr. Turner's termination. In late  
35 March 2010, I ran across one of my old notebooks with notes from telephone conversations that  
36 occurred in February and March of 2009. In glancing through the notebook, I discovered that it  
37 contained notes regarding telephone conversations concerning Mr. Turner. I immediately  
38 identified what I thought were all of the entries referring to Mr. Turner and typed up notes from  
39 those conversations. No one asked me to type up my notes. I decided to type them up so that  
40 they would be legible as my handwriting can sometimes be hard to read. I believe that my type-  
41 written notes accurately captured the substance of my handwritten notes regarding conversations  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51



1 handwritten notes regarding conversations about Mr. Turner. As soon as they were typed up, I  
2 provided Grainger with a copy. When I provided the type-written notes, I did not mention the  
3 existence of the handwritten notes. When I did tell Grainger about the handwritten notes,  
4 Grainger asked me to provide the notes immediately and I did so as soon as I was able in light of  
5 previously scheduled travel arrangements to visit my newborn grandbaby.  
6

7  
8  
9  
10  
11 6. During my deposition, Mr. Turner's attorney asked me if I "pay attention" to age  
12 in the context of a termination, and I answered truthfully that I do. I pay attention to age in the  
13 context of a termination because I am aware that employers face a risk of litigation every time  
14 they terminate an employee over 40, or in any other protected category. Thus, I generally note  
15 whether an employee at risk of termination falls into a protected category. These notations are  
16 certainly not factors weighing in favor of termination.  
17  
18  
19  
20  
21

22 I declare under penalty of perjury under the laws of the United States and the State of  
23 Washington that the foregoing is true and correct.  
24

25  
26 SIGNED at San Francisco, CA this 7<sup>th</sup> day of June, 2010.  
27  
28  
29

30  
31   
32 HELENE SHERLOCK  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

CERTIFICATE OF SERVICE

I certify that on June 8, 2010, I caused the foregoing **DECLARATION OF HELENE SHERLOCK IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals of record:

Mary Ruth Mann and James W. Kytle                      Attorneys for Plaintiffs  
Law Offices of Mann and Kytle, PLLC  
200 Second Avenue West  
Seattle, WA 98119

Dated this 8th day of June, 2010, at Seattle, Washington.

s/ Janet Davenport  
Janet Davenport, Legal Secretary